

U.S. District Court
District of Columbia (Washington, DC)
CIVIL DOCKET FOR CASE #: 1:17-cv-01796-TSC

SMITH v. MNUCHIN et al
Assigned to: Judge Tanya S. Chutkan
Cases: 1:18-cv-00777-TSC
1:18-cv-02048-TSC
Cause: 05:552 Freedom of Information Act
Plaintiff

Date Filed: 09/01/2017
Jury Demand: None
Nature of Suit: 895 Freedom of Information Act
Jurisdiction: U.S. Government Defendant

GRANT F. SMITH

represented by **GRANT F. SMITH**
IRmep
P.O. Box 32041
Washington, DC 20007
202-342-7325
Email: gsmith@IRmep.org
PRO SE

V.

Defendant

STEVEN T. MNUCHIN
Secretary, U.S. Department of Treasury

represented by **Rhonda Lisa Campbell**
U.S. ATTORNEY'S OFFICE FOR THE DISTRICT OF COLUMBIA
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Washington, DC 20530
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

KATHLEEN MCGETTIGAN
Acting Director, Office of Personnel Management

represented by **Rhonda Lisa Campbell**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
09/01/2017	<u>1</u>	COMPLAINT against KATHLEEN MCGETTIGAN, STEVEN T. MNUCHIN (Filing fee \$ 400, receipt number 4616086908) filed by GRANT F. SMITH. (Attachments: # <u>1</u> Civil Cover Sheet)(td) (Entered: 09/05/2017)
09/01/2017		SUMMONS (4) Issued as to KATHLEEN MCGETTIGAN, STEVEN T. MNUCHIN, U.S. Attorney and U.S. Attorney General (td) (Entered: 09/05/2017)
09/01/2017	<u>2</u>	NOTICE OF RELATED CASE by GRANT F. SMITH. Case related to Case No. 15-cv-1431 TSC. (td) (Entered: 09/05/2017)
09/01/2017	<u>3</u>	MOTION for Order To Use Post Office Box and Agent Address by GRANT F. SMITH (td) (Entered: 09/05/2017)
09/01/2017	<u>4</u>	MOTION for CM/ECF Password by GRANT F. SMITH (td) (Entered: 09/05/2017)
09/05/2017		MINUTE ORDER: Granting <u>4</u> Motion for CM/ECF Password. Signed by Judge Tanya S. Chutkan on 9/5/17. (DJS) (Entered: 09/05/2017)
09/29/2017	<u>5</u>	ENTERED IN ERROR.....RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed as to the District of Columbia Attorney General. Date of Service

		Upon District of Columbia Attorney General 9/18/2017. Answer due for ALL D.C. DEFENDANTS by 10/9/2017. (SMITH, GRANT) Modified on 10/2/2017 (znmw). (Entered: 09/29/2017)
09/29/2017	<u>6</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed on United States Attorney General. Date of Service Upon United States Attorney General 09/12/2017. (SMITH, GRANT) (Entered: 09/29/2017)
09/29/2017	<u>7</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. STEVEN T. MNUCHIN served on 9/11/2017 (SMITH, GRANT) (Entered: 09/29/2017)
09/29/2017	<u>8</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. KATHLEEN MCGETTIGAN served on 9/11/2017 (SMITH, GRANT) (Entered: 09/29/2017)
10/02/2017		NOTICE OF ERROR re <u>5</u> Summons Returned Executed as to DC Attorney General; emailed to gsmith@IRmep.org, cc'd 0 associated attorneys — The PDF file you docketed contained errors: 1. Incorrect event used, 2. Please refile document, 3. ENTERED IN ERROR; Refile as Summons Returned Executed as to US Attorney. (znmw,) (Entered: 10/02/2017)
10/02/2017	<u>9</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed as to the United States Attorney. Date of Service Upon United States Attorney on 9/18/2017. Answer due for ALL FEDERAL DEFENDANTS by 10/18/2017. (SMITH, GRANT) (Entered: 10/02/2017)
10/03/2017	<u>10</u>	NOTICE of Appearance by Rhonda Lisa Campbell on behalf of KATHLEEN MCGETTIGAN, STEVEN T. MNUCHIN (Campbell, Rhonda) (Entered: 10/03/2017)
10/17/2017	<u>11</u>	MOTION for Extension of Time to File Answer re <u>1</u> Complaint by KATHLEEN MCGETTIGAN, STEVEN T. MNUCHIN (Campbell, Rhonda) (Entered: 10/17/2017)
10/19/2017		MINUTE ORDER granting in part and denying in part <u>11</u> Motion for Extension of Time to Answer. Defendant shall answer or otherwise respond to the complaint by November 17, 2017. Signed by Judge Tanya S. Chutkan on 10/19/17. (DJS) Modified event title on 10/20/2017 (znmw). (Entered: 10/19/2017)
10/23/2017		Set/Reset Deadlines: Answer due by 11/17/2017. (tb) (Entered: 10/23/2017)
11/17/2017	<u>12</u>	ANSWER to Complaint by KATHLEEN MCGETTIGAN, STEVEN T. MNUCHIN.(Campbell, Rhonda) (Entered: 11/17/2017)
11/21/2017		MINUTE ORDER: Granting <u>3</u> Motion for Order to use PO Box address. Signed by Judge Tanya S. Chutkan on 11/21/17. (DJS) (Entered: 11/21/2017)
11/21/2017		MINUTE ORDER: Before the Court in this FOIA case are a complaint and an answer. The requirements of LCvR 16.3 and Rule 26(f) of the Federal Rules of Civil procedure appear to be inapplicable. IT IS HEREBY ORDERED that the parties shall meet and confer and propose a schedule for proceeding in this matter. The schedule shall address the status of Plaintiff's FOIA request, the anticipated number of documents responsive to Plaintiff's FOIA request, the anticipated date(s) for release of the documents requested by Plaintiff, whether a motion for an Open America stay is likely in this case, whether a Vaughn index will be required in this case, whether and when either party anticipates filing a dispositive motion, and any other pertinent issues. The parties shall file a joint status report that addresses these issues and that contains a proposed schedule and proposed order not later than 12/19/17. Signed by Judge Tanya S. Chutkan on 11/1/17. (DJS) (Entered: 11/21/2017)
11/26/2017		Set/Reset Deadlines: The parties shall file a Joint Status Report that contains a proposed schedule and proposed order by 12/19/17. (jth) (Entered: 11/26/2017)
12/19/2017	<u>13</u>	Joint STATUS REPORT <i>and motion to stay proceedings</i> by KATHLEEN MCGETTIGAN, STEVEN T. MNUCHIN. (Campbell, Rhonda) (Entered: 12/19/2017)
12/19/2017	<u>14</u>	MOTION to Stay Proceedings by KATHLEEN MCGETTIGAN, STEVEN T. MNUCHIN; (See docket entry no. <u>13</u> to view) (td) (Entered: 12/20/2017)

12/20/2017		NOTICE OF ERROR re <u>13</u> Status Report; emailed to rhonda.campbell@usdoj.gov, cc'd 4 associated attorneys -- The PDF file you docketed contained errors: 1. Two-part docket entry, 2. In the future, please remember to docket and select all appropriate events for your documents. (ztd,) (Entered: 12/20/2017)
12/20/2017		MINUTE ORDER: Having considered the parties' Joint Status Report <u>13</u> , it is hereby ordered that that Defendants shall complete its release of all documents responsive to Plaintiff's request according to the processing and production schedule agreed upon by the parties. The parties shall file a Joint Status Report no later than May 31, 2018, along with a proposed order for moving forward with this case. Signed by Judge Tanya S. Chutkan on 12/20/17. (DJS) (Entered: 12/20/2017)
12/21/2017		Set/Reset Deadlines: Joint Status Report due by 5/31/2018. (tb) (Entered: 12/21/2017)
05/31/2018	<u>15</u>	STATUS REPORT by KATHLEEN MCGETTIGAN, STEVEN T. MNUCHIN. (Campbell, Rhonda) (Entered: 05/31/2018)
05/31/2018	<u>16</u>	STRICKEN FROM THE RECORD PURSUANT TO MINUTE ORDER FILED ON 06/01/18.....Counter STATUS REPORT by GRANT F. SMITH. (Attachments: # <u>1</u> Exhibit Exhibit A – Redacted OTFI employee list)(SMITH, GRANT) Modified on 6/1/2018 (tb). Modified on 7/2/2018 (zrdj). (Entered: 05/31/2018)
06/01/2018		MINUTE ORDER: On 12/20/18 this court ordered the parties to file a "joint" status report by 5/31/18. On 5/31/18 the Defendant filed a report in which it proposed a briefing schedule and represented to the court that Plaintiff had refused to agree to file a joint report unless Defendant agreed to certain demands regarding the FOIA request and Plaintiff's court fees/expenses. Plaintiff subsequently filed a separate report on 5/31/18 objecting to Defendant's proposed briefing schedule and objecting to Defendant's disclosures; Plaintiff did not provide any justification for ignoring this court's order by filing a separate report. Accordingly, Plaintiff's Status Report <u>16</u> is hereby stricken. Plaintiff is hereby directed to confer with Defendant and the parties shall file a joint report setting forth the positions of both parties by 6/5/18. Signed by Judge Tanya S. Chutkan on 6/1/18. (DJS) (Entered: 06/01/2018)
06/05/2018	<u>17</u>	NOTICE to the Court by KATHLEEN MCGETTIGAN, STEVEN T. MNUCHIN re Order,,, (Campbell, Rhonda) (Entered: 06/05/2018)
06/05/2018	<u>18</u>	STRICKENED FROM THE RECORD PURSUANT TO MINUTE ORDER FILED ON 06/06/18..... RESPONSE re <u>17</u> to DEFENDANT NOTICE TO THE COURT filed by GRANT F. SMITH. (SMITH, GRANT) Modified event title and added linkage on 6/6/2018 (ztd). Modified on 6/8/2018 (tb). (Entered: 06/05/2018)
06/06/2018		MINUTE ORDER: Plaintiffs' "Response" <u>18</u> to Defendants' Notice is hereby STRICKEN for failing to comply with this court's 6/01/2018 Minute Order. The parties shall adhere to following briefing schedule: Defendants' Motion for Summary Judgment due July 20, 2018. Plaintiff's Opposition due August 24, 2018. Defendants' Reply due September 10, 2018. Signed by Judge Tanya S. Chutkan on 6/6/18. (DJS) (Entered: 06/06/2018)
06/08/2018		Set/Reset Deadlines: Summary Judgment motion due by 7/20/2018. Response to Motion for Summary Judgment due by 8/24/2018. Reply to Motion for Summary Judgment due by 9/10/2018. (tb) (Entered: 06/08/2018)
07/20/2018	<u>19</u>	MOTION for Summary Judgment by KATHLEEN MCGETTIGAN, STEVEN T. MNUCHIN (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Statement of Facts, # <u>3</u> Declaration Dodson, # <u>4</u> Exhibit to Dodson Declaration, # <u>5</u> Declaration Farley, # <u>6</u> Declaration Hill, # <u>7</u> Declaration Mason)(Campbell, Rhonda) (Entered: 07/20/2018)
07/27/2018	<u>20</u>	ERRATA by KATHLEEN MCGETTIGAN, STEVEN T. MNUCHIN <u>19</u> MOTION for Summary Judgment filed by KATHLEEN MCGETTIGAN, STEVEN T. MNUCHIN. (Attachments: # <u>1</u> Declaration OPM, # <u>2</u> Declaration OPM)(Campbell, Rhonda) (Entered: 07/27/2018)
08/24/2018	<u>21</u>	RESPONSE re <u>19</u> MOTION for Summary Judgment filed by GRANT F. SMITH. (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Statement of Facts, # <u>3</u> Appendix, # <u>4</u> Exhibit, # <u>5</u> Exhibit, # <u>6</u> Exhibit, # <u>7</u> Exhibit, # <u>8</u> Exhibit, # <u>9</u> Exhibit, # <u>10</u> Exhibit, # <u>11</u> Exhibit, # <u>12</u> Exhibit, # <u>13</u> Exhibit, # <u>14</u> Exhibit)(SMITH, GRANT) (Entered: 08/24/2018)

08/24/2018	<u>23</u>	Cross MOTION for Summary Judgment by GRANT F. SMITH. (See Docket Entry <u>21</u> to view document) (jf) (Entered: 09/06/2018)
08/29/2018	<u>22</u>	ERRATA <i>Exhibit H, accidentally excluded</i> by GRANT F. SMITH (SMITH, GRANT) Modified text on 8/29/2018 (ztd). (Entered: 08/29/2018)
09/10/2018	<u>24</u>	REPLY to opposition to motion re <u>19</u> MOTION for Summary Judgment filed by KATHLEEN MCGETTIGAN, STEVEN T. MNUCHIN. (Attachments: # <u>1</u> Declaration Ford Decl. and Exhibits, # <u>2</u> Declaration Roayne)(Campbell, Rhonda) (Entered: 09/10/2018)
03/31/2019	<u>25</u>	ORDER granting <u>19</u> Defendants' Motion for Summary Judgment and denying <u>23</u> Plaintiff's Motion for Summary Judgment. A Memorandum Opinion will be issued shortly, absent unforeseen circumstances. Signed by Judge Tanya S. Chutkan on 3/31/2019. (lctsc3) (Entered: 03/31/2019)